

that which is involved in this proposition—for this proposition cannot properly be applied to this exceptional case, it must stand as a precedent of much wider and more general application than one might at first suppose—proposes, I say, not merely a joint preparation of legislation, but a joint consideration of those matters which are of pure legislation. If you turn to the precedents of the Imperial Parliament, you will find that, up to a comparative recent period, there were very few joint committees, and that the joint committees which have been appointed of late years, when they have been more numerous, although still very few, have been based upon the same general principle which I have already indicated. There has been a joint committee, for example, with reference to the stationery office, there has been a joint committee with reference to the conduct of business in both Houses of Parliament, with a view to a more satisfactory distribution and a more efficient regulation of the conduct of the business. There have been several joint committees dealing with the question of certain classes of private Bills legislation, which, in England, more fortunately than with us, is based upon the principle of hearing much more evidence and requiring much more evidence as to the propriety of legislation—particularly legislation granting railway charters—than we require. Well, obviously, where the solution of the question is one dependent upon evidence, and evidence is to be taken twice over unless there be some arrangement, that is a good reason for a joint committee to arrange in some way or the other for the regulation of that class of business in such a manner as shall not necessitate the double taking of evidence. And so with regard to some questions of policy in relation to private Bills, which are matters of permanent and business regulation more than of legislation, matters of private right more than of legislation; as, for example, as to the system and plan of amalgamating railways and the arrangements with reference to the metropolitan railways, there have been joint committees. Now, I have given instances of what I understand are the principal examples of joint committees of recent years in England, and I have indicated the principle upon which they are appointed, namely, something connected with the efficient discharge of the business of legislation in general, or something connected with the taking of evidence which would have to be taken twice if some arrangement were not made between the Houses, or something connected with the establishment of the principles of legislation in matters of private right in which the House is sitting not in a purely legislative capacity. But here this is legislation of the most important character. It is nothing less than to propose the consolidation of the whole body of the law of Parliament for seventeen or eighteen Sessions, ever since Confederation. It is a legislative act of the highest importance, a legislative act, having regard to the circumstances of this Confederation, and the fact that this is the body of law passed since the Confederation was inaugurated, of the highest sort. I see no reason why such legislation should be proposed to be initiated by a joint committee of both Houses. It is not a question of evidence—it is a question of the opinion of legislators as to whether this important function which the hon. gentleman has referred to, of consolidating these Statutes truly, has taken place. Now I say that the precedent to which I alluded in Canada is a sound one, that the Government ought themselves to propose—if they are satisfied with the action of this commission, which I presume they are, as, in the discharge of its later functions, at any rate, it was a Government commission presided over by one of the Ministers—the necessary legislation to carry it out, and such legislation ought to proceed as other legislation proceeds, each of the two Houses of Parliament discharging its appropriate and independent function with reference to this as with reference to all other

matters of public legislation. We are responsible, if this Bill is introduced here, for the manner and form and shape in which it leaves this House; the Senate will be responsible for the manner in which they remit it to us, and, if there be a difference, then that will have to be settled; but are we now going to lay down the rule that our independent right of action with reference to Bills is to be complicated by the formation of a joint committee which is to report upon a subject of general legislation? Sir, the hon. gentleman has indicated the reason. The reason is because the one Minister who has taken part in this matter, the Minister of Justice, happens to be a member of the Senate, not of the House of Commons; and he says it was thought convenient, as that Minister had taken a great personal interest in this matter, that a joint committee should be formed so that he might attend to the deliberations of that committee upon the consolidation of the Statutes. Well, when the hon. gentleman arranged that the Minister of Justice should be a member of the Senate instead of a member of the House of Commons, I ventured to object to that arrangement. I conceived that as the great bulk and burthen of the legislation heretofore has fallen, and, so far as we can see, will continue to fall, on this House, it was very important that the legal officer—I regret to say the sole legal officer—of the Government should be a member of the House of Commons. But the hon. gentleman said no, that it was not inconvenient, it was all right; and we have for some years been deprived of the assistance of the responsible legal officer of the Government in this House in which the great bulk of the legislation has, after all, to be effectually done. And because he is not here the hon. gentleman proposes that we should inaugurate this precedent, and establish a joint committee of both Houses to decide upon important questions of general legislation. I say then that if this was only an ordinary consolidation Bill dealing with one class of our Statutes, without any of the peculiar questions which must arise upon this consolidation, I should object to this procedure of the hon. gentleman. But this is a very special procedure. In the first place, and so far as I can judge from a very cursory perusal of a few of these Statutes, important changes are proposed. Indeed if you look at the preface, or the preliminary remarks, you will see a statement that where important—I forget the precise words, but they are something like this—that where important changes are proposed they are either italicised in the body of the Statute, or there is a note indicating it; and yet the hon. gentleman says the object is to find out if there are any changes, while the consolidators state that there are material changes suggested for the consideration of Parliament. In the second place it is not a consolidation of one class of Statutes in respect of which it would be possible to perform the work well without a very considerable amount of change, requiring a very careful investigation; but a body of all our laws for 17 or 18 years goes over such a wide range of subjects, and is composed of Statutes so variously framed, that it would not be a good consolidation if there are not in point of form, at least, as well as in substance, a very considerable change so as to mould into one harmonious whole, so far, at any rate, as the form of the Statutes is concerned, the proposals for that law. But in the third and most material place in the old Province of Canada, practically, and in the Imperial Parliament for all practical purposes, there was the absolute non-demission of power, and the questions which would arise upon consolidation were different from those which must arise in the consolidation of our Statutes—which must certainly arise on the first consolidation of our Statutes. Our constitution is a constitution of divided powers, and it is now proposed to issue to the people of Canada, as in their settled view the body of the law of the Parliament of Canada, all those Statutes which we have passed here from the day of Confederation was inaugurated. Now, during